

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Arkansas

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Process for Investigations of Complaints and Monitoring

The State has in effect the following process for investigating complaints of violations of requirements by nursing facilities and monitors onsite on a regular, as needed basis, a nursing facility's compliance with the requirements of subsection (b), (c), and (d) for the following reasons:

- (i) the facility has been found not to be in compliance with such requirements and is in the process of correcting deficiencies to achieve such compliance;
- (ii) the facility was previously found not to be in compliance with such requirements and has corrected deficiencies to achieve such compliance, and verification of continued compliance is indicated; or
- (iii) the State has reason to question the compliance of the facility with such requirements.

PROCEDURES FOR THE TIMELY REVIEW AND INVESTIGATION OF ALLEGATIONS OF NEGLECT AND ABUSE AND MISAPPROPRIATION OF RESIDENT PROPERTY BY A NURSE AIDE OR A RESIDENT IN A NURSING FACILITY OR BY ANOTHER INDIVIDUAL USED BY THE FACILITY IN PROVIDING SERVICES TO SUCH A RESIDENT ARE SPECIFIED BELOW:

The State has established statewide toll-free telephone numbers with 24-hour coverage to receive complaints of suspected abuse/neglect to children and adults, including residents of nursing facilities. In addition, Office of Long Term Care (OLTC) staff are available during normal business hours, and are on-call (through a State-wide beeper system) after-hours, to receive incident reports as specified under attachment 4.40-B. Incidents involving nursing facilities are referred to the Office of Long Term Care and the County Sheriff for investigation. If the alleged victim is a child, the Division of Children and Family Services is also involved in the investigation.

Upon receipt in the OLTC Complaints Section, the complaint report is typed on a standard report form, logged in, reviewed, categorized according to type of complaint (for example, abuse, neglect, resident rights; nursing; medications; etc.), and assigned a priority status according to federal regulations. Any required internal Departmental notifications are also made. These activities are accomplished within a day of the receipt of the complaint. If the complaint involves suspected abuse or neglect, it is also forwarded to the State Attorney General's Office for possible criminal investigation and to the Child and/or Adult Abuse Registry, as appropriate.

Very serious complaints of abuse are immediately telephoned and FAXed to the State Attorney General's Office, Medicaid Fraud Unit.

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At the time the complaint is received the complainant is told that all complaints are investigated and that an acknowledgement of the receipt of the complaint will be mailed to him/her within a week.

All complaints are investigated. Health Care professionals who have completed training as specified by HCFA investigate complaints concerning care and services in nursing facilities. When patient care services are in question the investigator is a Registered Nurse.

The visit to the involved facility is unannounced. Information gathered from the complainant may indicate that the visit should coincide with a particular time of day or week.

The investigators explain the purpose of the visit on entry into the facility. All reasonable care is taken not to divulge the identity of the complainant or resident in question.

The investigators use the appropriate survey report form and interpretative guidelines for the facility to conduct a partial survey focusing on the specific regulatory requirements related to the allegation(s). Appropriate samples of residents, rooms, records, services, etc., are reviewed as necessary to adequately assess compliance with applicable requirements. In cases involving allegations of substandard care, the institution's patterns of care, as well as the care furnished the individual(s) directly involved, is investigated. If, based on this initial assessment or other observations, significant problems are identified, the scope of the review is expanded as necessary.

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Following the investigation the complaint status, substantiated or not substantiated, is determined and required notifications made. Required reports are prepared and forwarded according to State and federal regulations. If deficiencies are cited, a HCFA 2567 is forwarded to the facility for an appropriate plan of correction. Any subsequent certification actions depend on the nature of any deficiencies cited.

The State conducts monitoring visits to facilities based on severity of problems or history of non-compliance.

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